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DYER

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08-01-2005 11:05am From:TROUTMAN SANDERS

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T-289 P.002/003 F-389

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

DYER, Wallace K.

Art Unit: 1639

Serial No. 09/943,138

Filed: August 30, 2001

Examiner: EPPERSON, Jon D.

For: Methods and Compositions for
Tissue Augmentation

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF WALLACE K. DYER, M.D.

I, Wallace K. Dyer, declare as follows.

1. I am a board certified facial plastic surgeon and a board certified otolaryngologist, head and neck surgeon and have been in practice for the past 20 years. I am a Fellow of the American Academy of Facial Plastic and Reconstructive Surgery, the American Academy of Otolaryngology, Head and Neck Surgery, and the American College of Surgeons (F.A.C.S.).
2. I invented the subject matter claimed and disclosed in United States Patent Application Serial Number 09/943,138 ("the Application"), filed on 31 August 2001, which claims priority to U.S. Provisional Patent Applications 60/229,085 filed August 30, 2000, 60/229,989 filed September 5, 2000, and 60/241,636 filed October 19, 2000.
3. I conceived the subject matter disclosed in the Application in this country at least as early as December, 1999, and at least at that time, had prepared an embodiment of the invention. On or about December 3 and 4, 1999, I had a confidential meeting with Dr. Stephen Perkins in which I showed Dr. Perkins an embodiment of my invention and discussed methods for injecting the compositions of my invention in soft tissue for correction or repair. At that meeting, I showed Dr. Perkins a vial of a solution of microparticles for insertion in soft tissue. The solution was expanded polytetrafluoroethylene particles in a polyvinylpyrrolidone solution.

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4. I have never abandoned the subject matter claimed and disclosed in the Application
- 5 I acknowledge under the penalty of perjury pursuant to 18 U.S.C. § 1001, that willful false statements and the like are punishable by fine or imprisonment, or both, and may jeopardize the validity of the above identified patent application or any patent issuing from the above identified patent application

This 1 day of August, 2005.


Wallace K. Dyer